

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Earl W. STEFANSON,

Petitioner,

v.

William KNIPP,
Acting Warden of Mule Creek State Prison,¹

Respondent.

Case Number 3-11-cv-2944-WHA-PR

NONCAPITAL CASE

ORDER DENYING PETITION FOR A
WRIT OF HABEAS CORPUS

Petitioner, a state prisoner who is proceeding pro se, was convicted in state court of numerous crimes of violence against three women, including torture and first-degree murder. (Doc. No. 1 at 3–6.) During Petitioner’s trial, the judge admonished the jury not to converse with anyone about the trial. Juror No. 6 violated this admonition when he told co-workers that he was a juror in the trial and then was told by a co-worker that Petitioner was the son of a former president of Hells Angels. Juror No. 6 did not report these conversations to the judge; he did tell the rest of the jury during deliberations that he knew “something” that they did not know, although he said nothing further about the matter until the trial was over. (*Id.* at 12–13.) It is undisputed that Juror No. 6 committed misconduct. (*Id.* at 14; Doc. No. 5-1 at 6–9.)

¹ William Knipp is automatically substituted as Respondent pursuant to Federal Rule of Civil Procedure 25(d).

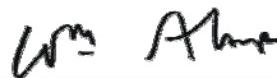
Petitioner contends that this juror misconduct rendered his trial invalid under the Sixth and Fourteenth Amendments because Juror No. 6 was biased against him. (Doc. No. 1 at 14–19.) In considering this claim on direct review, the state appellate court concluded that it “agree[d] with the trial court’s assessment that the overwhelming evidence of [Petitioner’s] brutality towards each of the three victims eliminates any likelihood that Juror No. 6 was influenced by what he was told concerning [Petitioner’s] father.” *People v. Stefanson*, No. A121997, 2010 WL 411716, at *6 (Cal. Ct. App. Feb. 4, 2010).

This Court has conducted an independent review of the record in Petitioner’s case. The record reflects that the state appellate court correctly described in graphic detail Petitioner’s extraordinary brutality against his victims. *See id.* at *1–2. The allegation that Petitioner’s father was a former president of Hells Angels was “so minor and distant” that it could not have had an effect on Juror No. 6. *Id.* at *5 (quoting Petitioner’s trial judge). Upon reviewing the record as a whole, the Court finds and concludes that the allegation about Petitioner’s father could not have influenced Juror No. 6 or biased him against Petitioner, and the misconduct committed by Juror No. 6 was harmless. Under any standard of review, Petitioner received a fair trial with an impartial jury in accordance with the Sixth and Fourteenth Amendments.

Accordingly, and good cause appearing therefor, the Court denies the Petition for a Writ of Habeas Corpus and declines to issue a certificate of appealability. The Clerk of the Court shall enter judgment in favor of Respondent and shall close the file.

It is so ordered.

DATED: April 13, 2012


WILLIAM H. ALSUP
United States District Judge